

FILED
U.S. DISTRICT COURT

2015 MAR 12 P 1:34

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

James Arnett
Plaintiff, In Propria Persona (I.F.P.)
9288 N. Monmouth Court
Tucson, Arizona 85742
Telephone: (520)304-0129
Email: jamesarnettaz@gmail.com

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JAMES ARNETT,

Plaintiff,

v.

BENJAMIN SNOW HOWARD;
LIFELINE MEDIA LLC, a Utah
entity; NATIONWIDE AFFORDABLE
HOUSNG, a Texas corporation; and the
BEN HOWARD TRUST, an Idaho
trust,

Defendants.

MOTION TO COMPEL

Presiding Judge Ted Stewart

Magistrate Judge Dustin Pead

Case 2:13-CV-00591-TS-DBP

Plaintiff James Arnett hereby moves for an Order from this Honorable Court, to compel Defendants to promptly produce all outstanding discovery, pursuant to Federal Rule of Civil Procedure 26 and Rule 29(b).

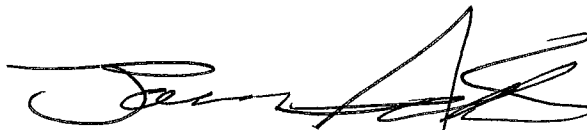
The deficient discovery consists of Plaintiff's Interrogatories to Defendants and Plaintiff's requests to Defendants for the Production of Documents. The required Answers have not been returned following the 30 day period, provided by the Rules, which was on or about 27 February 2015.

BACKGROUND

1. On 27 January 2015, Plaintiff served Defendants by way of a document addressed and mailed to Defendants, containing his First Set of Admissions, Interrogatories, and Requests for the Production of Documents to Defendants;
2. On 24 February 2015, by way of mail, Defendants served Plaintiff with their Admissions to Plaintiff – but no other Discovery;
3. On 5 March 2015, Attorney Hillary Pavia of Tycksen & Shattuck LLC., (the law firm representing Defendants) assured Plaintiff that Documents were forthcoming but stipulated certain terms (see exhibit “A”). Plaintiff requested that Ms. Pavia do so in the form of a motion for a protective order (see exhibit “B”);
4. To date, more than ten days past the 30 day deadline, Defendants have failed to serve Plaintiff with their responses to Plaintiff's Interrogatories and Requests for the Production of Documents, nor have they filed a motion for a protective order, nor have they motioned for any extension of time to respond as required by Federal Rule of Civil Procedure 29(b).

WHEREFORE, Plaintiff James Arnett moves for an Order from this Honorable Court, compelling Defendants to produce complete and executed Answers to Interrogatories and the required Documents within the next 15 days.

Respectfully submitted this 10th day of March 2015.

A handwritten signature in black ink, appearing to read 'James Arnett', written over a horizontal line.

James Arnett, In Propria Persona (I.F.P.)

9288 N. Monmouth Court

Tucson, Arizona 85742

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Email: jamesarnettaz@gmail.com

EXHIBIT "A"

Email from Defendants.

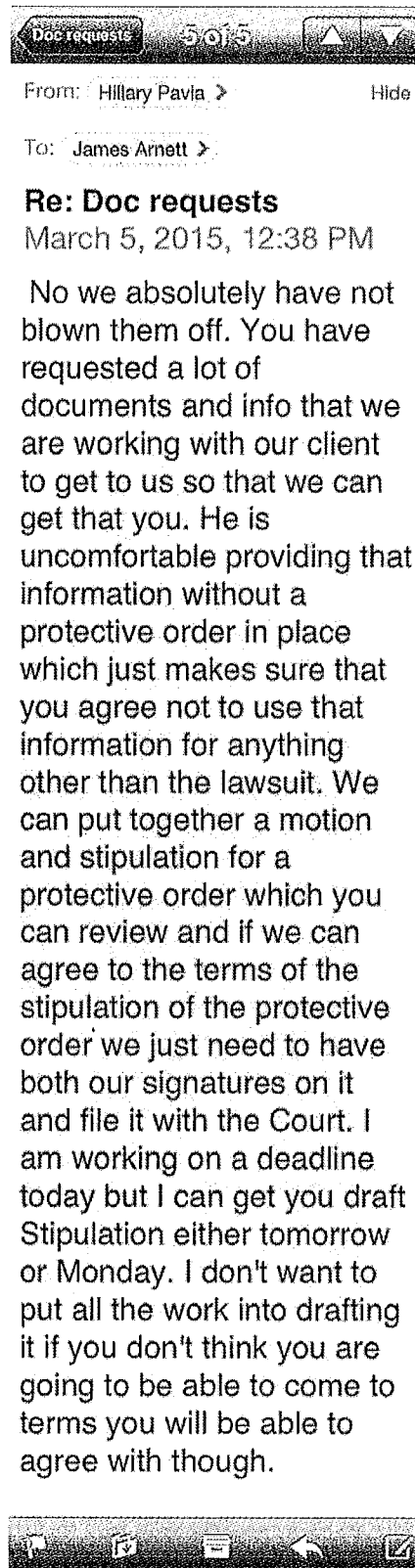
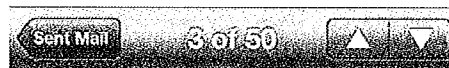


EXHIBIT "B"

Plaintiff's response.



To: Hillary Pavia > Hide

From: James Arnett >

Re: Doc requests

March 5, 2015, 1:55 PM

As long as Ben isn't going to play the shell game with our Judges and make his documents available to the US Court, there shouldn't be anything objectionable in keeping his information within the US courthouse. That should be official.

I think Ben may be over the deadline though. I just checked my records and it shows that I sent out my Admissions, Interrogatories and Document Requests to your office on 27 January 2015 and it was received on 29 January 2015 with a 30 day deadline. I'm not sure how that complicates things now but it's more reason for not adding to the confusion and let the Court tell me what to do at this point. The Judges always know best.

Best regards,

James

